

Appln No. 09/575,186  
Amdt. Dated June 7, 2005  
Response to Office action of April 22, 2005

3

### **REMARKS/ARGUMENTS**

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

#### ***Response to Arguments***

In this section the Examiner indicates that our arguments have been fully considered but are not persuasive. In this regard the Examiner asks "What is coded data?" and "How is coded data different from another type of information?". The Examiner further states that the Applicant may have meant something different from the information (such as encrypted data) but that the Applicant has yet to claim such.

We have a number of comments in response to these statements.

Firstly, if the Examiner is asserting a lack of clarity with respect to the claim and in particular believes that the term "coded data" is unclear, then such a proper objection should have been raised. We note that no objection along these lines was raised in the first Office Action and no objection has been raised in this Office Action.

Thus, the Examiner's arguments are unclear. The Examiner's arguments do not explicitly state that the claim lacks clarity due to the term coded data being undefined and does not provide any detailed explanation as to whether this is even relevant to the claim rejections raised under § 103.

If the Examiner is objecting that the claim is unclear, we request a new Office Action is issued, with such an objection clearly set out. Otherwise it is virtually impossible for the Applicant to respond.

Secondly, the Examiner indicates how the term "coded data" in the claim is not distinguished from another type of information. However, the claim is very explicit that the information and the coded data are separate and therefore should be assessed on this basis. Thus, a skilled reader of the claim would understand that the coded data and information are different and that the differences should be understood based on the rest of the wording of the claim. We therefore respectfully submit that the claim explicitly requires that information and coded data are different.

In this regard, we highlight that the claim makes it clear that coded data can be sensed by the sensing device and that the coded data is in some way indicative of the identity of the photo album form and at least one reference point to the photo album form. No such requirements are made with respect to information, and thus it is perfectly clear to the skilled reader, not only that the coded data and information are different, but also how they can be different. For example, coded data must be capable of being sensed by a sensing device whilst information need not.

Additionally, the exact nature of the coded data is not important for the purpose of the claim and any form of data which satisfies these requirements falls within the scope of the term "coded data".

Appln No. 09/575,186  
Amdt. Dated June 7, 2005  
Response to Office action of April 22, 2005

4

We therefore respectfully submit that the term "coded data" is perfectly clear from the claim wording and there is no need for further details.

To help clarify understanding in the mind of the Examiner however we would draw the Examiner's attention Figure 1 and the associated description which clearly shows coded data 3 which in one example is printed as a collection of tags 4. Thus it is clearly evident that the coded data is which is readable by a sensing device and which is indicative of an identity of the reference form and at least one position.

In view of this we respectfully submit that the interpretation of the term "coded data" is completely clear and if the Examiner believes that this is untrue then a correct objection should be raised.

We also note that the USPTO has prosecuted a substantial number of similar cases and at no stage has any Examiner ever raised an objection against the term "coded data" as lacking clarity.

#### ***Specification***

The Applicants have updated Page 1 of the specification to correct errors of a typographical nature. The Applicants submit that these amendments introduce no new matter.

#### ***Claim Rejections***

The Examiner then goes on to reject the claims on the basis of Cass. In this regard, we note that the Examiner's claim rejections are identical to those raised in the previous Office Action. The Examiner has done absolutely nothing to further justify the objections and we therefore do not see how we can usefully respond to these objections.

Even taking into the account the Examiner's comments regarding coded data above, the Examiner has done nothing to address our response and in particular show that Cass describes coded data indicative of an identity of the photo album form and at least one reference point of the form or that the coded data can be sensed by a sensing device and used to generate indicating data.

Thus, the Examiner has done nothing to show where in Cass it is described that a sensing device can be placed in an operative position with respect to the photo album and sense coded data, allowing the sensing device to generate indicating data which is indicative of both the identity of the photo album form and a position of the sensing device relative to the photo album form.

Instead, as clearly iterated in our previous response Cass operates by detecting a user applied mark in one document and comparing this to another document. If the Examiner believes under a broad interpretation the coded data encompasses a user drawn mark, then in this case, the mark is not indicative of an identity and reference point as claim 1 requires. Furthermore, even in the event that the Examiner asserts that scanning a document constitutes placing a sensing device in an operative position relative to the document, this does not determine indicating data indicative of a sensing device position as specified in the claim.

Even in the event that the Examiner maintains objections to claim 1, we would highlight that additional restrictions are provided for example in claim 4 of the application. In particular,

Appln No. 09/575,186  
Amdt. Dated June 7, 2005  
Response to Office action of April 22, 2005

5

claim 4 requires movement of the sensing device relative to the page and requires that such movement is detected. There is absolutely no disclosure of any such operation in Cass and we therefore do not understand how the Examiner can possibly maintain objections against the claims on this basis.

Accordingly, the Examiner has done absolutely nothing to justify maintaining the objections to the claims, let alone issuing a Final Office Action. The Applicant therefore requests that if the Examiner is minded to maintain objections, then a further non-final Office Action is issued with the objections properly formulated.

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 to 45, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

Applicants:



---

KIA SILVERBROOK



---

PAUL LAPSTUN

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email: [kia.silverbrook@silverbrookresearch.com](mailto:kia.silverbrook@silverbrookresearch.com)

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762